

REMARKS

Introduction

This is in response to the Office Action dated January 28, 2011.

Claims 1-10 are pending in the above application. In the Office Action, claims 1-10 have been rejected.

By this amendment, applicants have amended claims 1, 7, and 10; cancelled claim 9, and added new claim 12. Applicants appreciate the Examiner's close attention to the language of the claims and have amended claims 1 and 7 in accordance with the Examiner's suggestions, among other things. No new matter has been added and no narrowing of the scope of equivalents is intended.

Allowable Subject Matter

Applicants would like to thank the Examiner for the indication of allowable subject matter in claim 10. In accordance with the Examiner's suggestions, applicants have rewritten the claim to include all the limitations of base claim 7 and the intervening claims.

Claim Rejections under Section 112

Claims 1 - 10 have been rejected under 35 U.S.C. § 112 ¶ 2 as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which the applicants regard as the invention.

Amended Claim 1 meets the Requirements of 35 U.S.C. § 112 ¶ 2

In the Office Action, the Examiner has stated that "the limitation 'vertical corner trim stiffeners in the corners of the cab supporting the shell panel' appears to be inaccurate, as the side panels support the corner stiffeners, not the reverse." See Office Action at page 2.

Applicants submit that amended claim 1 meets the Requirements of 35 U.S.C. § 112 ¶ 2 and that the statement "vertical corner trim stiffeners in the corners of the cab supporting the shell panels" is accurate. It is submitted that a person of ordinary skill in the art would understand from reading the specification that in an embodiment of the invention the vertical corner trim stiffeners provide support for the shell panels in the vertical direction. See Specification at pp. 4 - 6; and Figs. 4, 5. In addition, it is submitted that a person of ordinary skill in the art would understand from reading the specification that in an embodiment of the invention a vertical corner trim stiffener can provide support for the shell panels at a corner where two of the shell panels can meet. See Specification at pp. 4 - 6; and Figs. 4, 5.

In the Office Action, the Examiner has stated that "the limitation 'between said stiffeners' is confusing." See Office Action at page 2.

Applicants submit that amended claim 1 meets the Requirements of 35 U.S.C. § 112 ¶ 2 and that a person of ordinary skill in the art would understand the statement 'between said stiffeners' when read in light of the specification.

Claim 1 provides for "stiffeners on the interior of said shell panels to provide suitable support" and "vertical corner stiffeners in the corners of the cab." It can be appreciated by a person of ordinary skill in the art that a number of configurations are possible using the recited structure. For example, in one configuration a shell panel can be supported at its left and right portions by vertical corner stiffeners and can have a stiffener on its interior side at a center portion, such as shown in Figure 1. As shown in the Figure the stiffener is mounted on a flat wall panel and protrudes from the plane of the panel into the interior space of the elevator cab. Thus, it would be understood by a person of ordinary skill in the art that the language "decorative panels mounted on said shell panels on the interior of said cab and mounted between said stiffeners" refers to panels that are mounted on the walls and between the stiffeners. When read in light of the specification "between" does not mean on top of the stiffeners because mounting panels on top of stiffeners which protrude into the elevator cab interior would further reduce the interior space of the elevator cab which is contrary to one of the stated objects of the invention.

Claim 7 meets the Requirements of 35 U.S.C. § 112 ¶ 2

In the Office Action, the Examiner has stated that "the limitation 'which base and transom are both channel-shaped and offset outwardly from the vertical plane of said shell panels toward the elevator interior ' is inaccurate." See Office Action at page 2.

Applicants submit that amended claim 7 meets the Requirements of 35 U.S.C. § 112 ¶ 2 and that the statement "vertical corner trim stiffeners in the corners of the cab to support said shell panels" is accurate. It is submitted that a person of ordinary skill in the art would understand from reading the specification that in an embodiment of the invention the vertical corner trim stiffeners provide support for the shell panels in the vertical direction. See Specification at pp. 4 - 6; and Figs. 4, 5. In addition, it is submitted that a person of ordinary skill in the art would understand from reading the specification that that in an embodiment of the invention a vertical corner trim stiffener can provide support for the shell panels at a corner where two of the shell panels can meet. See Specification at pp. 4 - 6; and Figs. 4, 5.

For at least the above stated reasons, applicants respectfully submit that the pending claims satisfy the conditions of 35 U.S.C. § 112 ¶ 2.

Claim Rejections under 35 U.S.C. § 102

According to the MPEP, "TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM" See MPEP 2131 (Captials in

Original). Applicants submit that the none of the cited reference anticipate the subject matter of the pending claims, as previously presented and as currently amended.

The Subject Matter of Claim 1 is not Anticipated by Ichige

Claim 1 has been rejected under 35 U.S.C. § 102 as being anticipated by a document cited by the Examiner as JP 7-33365A, a Japanese language document for which a brief English language abstract has been provided with the Office Action ("Ichige").

Applicants respectfully submit that Ichige does not disclose or suggest the subject matter of claim 1.

Among other things, Ichige, as best understood, does not disclose or suggest an elevator cab construction for increasing interior cab size of elevator cab. Rather Ichige, as best understood, merely describes an elevator car wall joint for the purpose that the joint can be easily removed. Indeed, nowhere in Ichige, as best understood, is there any mention of an elevator cab construction provided for increasing interior cab size.

Figure 5 of Ichige, also provided on the front page of the reference is reproduced below for the Examiner's convenience:



In addition, Ichige, as best understood, does not disclose or suggest an elevator cab construction for increasing interior cab size of an elevator cab including

- "shell panels forming the interior walls of the cab with a ceiling and platform" as required by claim 1; or
- "stiffeners on the interior of said shell panels to provide suitable support" as required by claim 1; or
- "vertical corner trim stiffeners in the corners of the cab supporting said shell panels" as required by claim 1; or
- "decorative panels mounted on said shell panels on the interior of said cab and mounted between said stiffeners" as required by claim 1.

For example, nowhere in Ichige, as best understood, is there disclosed "stiffeners on the interior of said shell panels to provide suitable support" as required by claim 1.

Indeed, according to Ichige "...the wall joint 4 is magnetically attracted to the concealed

joint 7." In addition, there is no mention let alone any suggestion in Ichige that the wall joint 4 acts as a stiffener "to provide suitable support."

Furthermore, in Ichige, as best understood, any stiffeners that may be provided seem to be the sections 3a of the car walls that have been bent outward at both end sections, and are thus not on the "interior of said shell panels" as required by claim 1. Furthermore, in Ichige the bent end sections 3a of the walls, which are bent towards the outside of the walls, teach away from the present invention of providing stiffeners on the inside of the panels to increase the interior cab size of the elevator cab.

Thus, Ichige's wall joint 4 does not disclose "stiffeners on the interior of said shell panels to provide suitable support" as required by claim 1, and nowhere in Ichige is there any disclosure that wall joint 4 provides suitable support for a shell panel. Indeed, the structure in Ichige, as best understood, appears to be merely ornamental as Ichige provides that the "wall joint 4 is magnetically attracted to the concealed joint 7."

Furthermore, Ichige does not describe "decorative panels mounted on said shell panels on the interior of said cab and mounted between said stiffeners" at least for the reason that stiffeners are not provided.

Withdrawal of the rejection is respectfully requested.

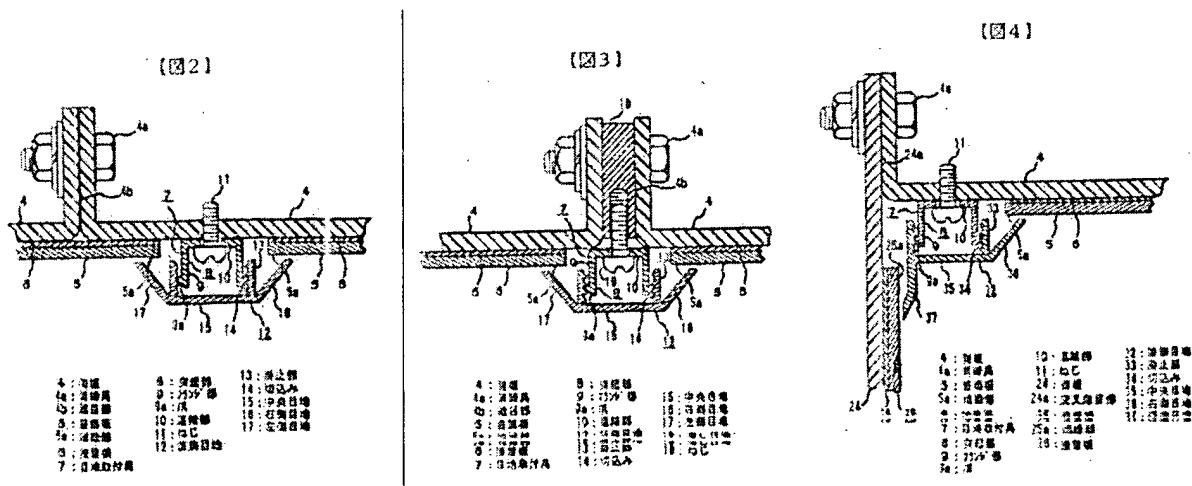
The Subject Matter of Claim 1 is not Anticipated by Yamamura

Claim 1 has been rejected under 35 U.S.C. § 102 as being anticipated by a document cited by the Examiner as JP 2002-265171, a Japanese language document for which a brief English language abstract has been provided with the Office Action ("Yamamura").

Applicants respectfully submit that Yamamura does not disclose or suggest the subject matter of claim 1.

Among other things, Yamamura, as best understood, does not disclose or suggest an elevator cab construction for increasing interior cab size of elevator cab. Rather Yamamura, as best understood, merely describes a cage for an elevator with improved appearance by concealing screws. Indeed, nowhere in Yamamura, as best understood, is there any mention of an elevator cab construction provided for increasing interior cab size.

Figures 2 - 4 of Yamamura are reproduced below for the Examiner's convenience:



In addition, Yamamura, as best understood, does not disclose or suggest an elevator cab construction for increasing interior cab size of an elevator cab including:

- "shell panels forming the interior walls of the cab with a ceiling and platform" as required by claim 1; or
- "stiffeners on the interior of said shell panels to provide suitable support" as required by claim 1; or
- "vertical corner trim stiffeners in the corners of the cab supporting said shell panels" as required by claim 1; or
- "decorative panels mounted on said shell panels on the interior of said cab and mounted between said stiffeners" as required by claim 1.

For example, nowhere in Yamamura, as best understood, is there disclosed "stiffeners on the interior of said shell panels to provide suitable support" as required by claim 1. Rather, the parts identified in the Office Action at page 4 ("(7 and 15, see Figure 2)" appear merely ornamental and nowhere in Yamamura are the parts 7 and 15 described in any way as "stiffeners on the interior of said shell panels to provide suitable support". Indeed in Yamamura, the "joint fixture 7" appears to be attached to a "decorative joint 12" to cover the ends of the decorative plates and the joint fixture.

Furthermore, in Yamamura, as best understood, the part 15 identified in the Office Action as a "stiffener" appears to be merely part of the decorative joint 12 and nowhere is this part described by Yamamura as "stiffeners on the interior of said shell panels to provide suitable support".

In addition, in Yamamura, as best understood, any stiffeners that may be provided seem to be the bent sections joined by bolts 4a of the side plates that have been bent outward, and are thus not on the "interior of said shell panels" as required by claim 1. Furthermore, in Yamamura the bent end sections of the side plates, which are bent towards the outside of the plates, teach away from the present invention of providing stiffeners on the inside of the panels to increase the interior cab size of the elevator cab.

Thus, neither of Yamamura's "joint fixture 7" nor part 15 of "decorative joint 12" discloses or suggests "stiffeners on the interior of said shell panels to provide suitable support" as required by claim 1. Indeed, the disclosure of Yamamura, as best understood, appears to be merely ornamental as Yamamura specifically states as its problem to be solved is to provide "an elevator with improved appearance by concealing screws..."

Furthermore, Yamamura does not describe "decorative panels mounted on said shell panels on the interior of said cab and mounted between said stiffeners" at least for the reason that stiffeners are not provided.

To the extent the examiner seeks to utilize personal knowledge as official notice, applicants request the Examiner to provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding as required by 37 C.F.R. 1.104(d)(2).

Withdrawal of the rejection is respectfully requested.

The Subject Matter of Claims 1-6 is Patentable over Roponen in view of Makimattila

Claims 1-6 has been rejected under 35 U.S.C. § 103 as being unpatentable over publication WO 97/09265 to Roponen et al. ("Roponen") in view of U.S. Patent No. 5,454,449 to Makimattila et al. ("Makimattila").

Applicants respectfully submit that cited references, whether taken alone or in combination, neither disclose nor suggest an elevator cab construction for increasing interior cab size of an elevator cab including:

- "stiffeners on the interior of said shell panels to provide suitable support" as required by claim 1; or
- "vertical corner trim stiffeners in the corners of the cab supporting said shell panels" as required by claim 1; or
- "decorative panels mounted on said shell panels on the interior of said cab and mounted between said stiffeners" as required by claim 1.

Among other things, neither reference discloses or suggests an elevator cab construction for increasing interior cab size of elevator cab. Rather Roponen, merely describes a system for mounting decorative parts, and Makimattila, according to the Office Action, provides "a single decorative panel (wall element 6) spanning all of the stiffeners (3 and 33) along an elevator wall" and "multiple decorative panels (14)" mounted on top of the wall "inflections 33 at the extreme edges of the structure". Col. 3, lines 33-34.

As another example, neither reference discloses or suggests "decorative panels mounted on said shell panels on the interior of said cab and mounted between said stiffeners" as required by claim 1.

In the Office Action, Roponen is described a varying from claim 1 for at least the reason that it "shows the panels (7) mounted to the outer faces of the stiffeners instead of mounted between them." Accordingly, the Office Action applies Makimattila, which cites Makimattila as disclosing:

[A] first embodiment in Figure 1, which has a single decorative panel (wall element 6) spanning all of the stiffeners (3 and 33) along an elevator wall, and a second embodiment in figure 2, which has individual decorative panels (14) mounted between each pair of the stiffeners (3 and 33) of an elevator wall."

Applicants respectfully submit that Makimattila fails to overcome the cited deficiency in Roponen at least for the reasons that it does not disclose "decorative panels mounted on said shell panels on the interior of said cab and mounted between said stiffeners" as required by claim 1. Figure 2 of Makimattila is reproduced below for the Examiner's convenience:

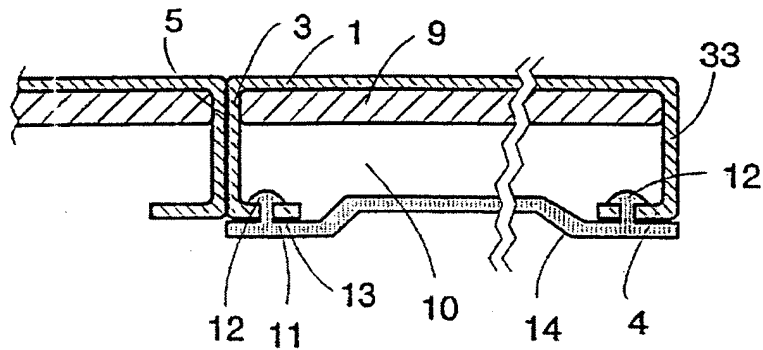


Fig. 2

As shown in Figure 2 of Makimattila, for example, the individual decorative panels (14) are mounted **on** the outermost portion of the structures (33), asserted by the Examiner to be the stiffeners, and not on the wall panels; nor are the individual decorative panels (14) “mounted between said stiffeners” as the panels are mounted **on** the outermost portion of the structures 33 and extending to the edge of the structure 33 so as to hide it from view, and thus are not “mounted **between** said stiffeners” as required by the claim. (emphasis added).

In the Office Action, the Examiner has asserted that:

“It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the elevator cab of Roponen et al by replacing the single, large decorative panels (7) which span the outer faces of the stiffeners along a wall, with smaller panels, each located between a pair of stiffeners, as using a single large panel and using smaller individual panels, each located between a pair of stiffeners, as using a single large panel and using smaller individual panels are art recognized equivalents, taught by Makimattilla et al.”

See Office Action at page 4.

Applicants also submit that Makimattilla does not disclose "decorative panels mounted on said shell panels on the interior of said cab and mounted **between** said stiffeners" as required by claim 1 (emphasis added) and the Office Action does not explain how Roponen is modified by Makimatilla to disclose such panels mounted between the stiffeners.

Since neither reference discloses "decorative panels mounted on said shell panels on the interior of said cab and mounted between said stiffeners" applicants request the Examiner to provide an affidavit or declaration setting forth specific factual statements and an explanation to support the finding as required by 37 C.F.R. 1.104(d)(2). To the extent the Examiner relies upon personal knowledge as Official Notice to provide this or any other missing claim limitation to support a case for obviousness, applicants also request the Examiner to provide an affidavit or declaration setting forth specific factual statements and an explanation to support the finding as required by 37 C.F.R. 1.104(d)(2).

Applicants further submit that to the extent separate references are applied to satisfy both requirements that the decorative panels be mounted **on** the shell panels on the interior of said cab **and** mounted **between** the stiffeners, applicants submit that it is improper to do so and would not have been obvious to do so.

Contrary to the suggestion of obviousness, Applicants submit that Makimattilla is yet another example of a reference that teaches away from "decorative panels mounted on

said shell panels on the interior of said cab and mounted between said stiffeners" as required by claim 1. As shown in both Figures cited by the Examiner, Figures 1 and 2, the interior decorative elements are provided on top of the structural elements so as to hide them.

Furthermore, it is submitted that the subject matter of the pending claims would not have been obvious at the time where structural support elements were hidden out of view for aesthetic reasons as shown in both Makimattilla and Ronponen. Since claims 2 - 6 depend from claim 1, for at least the above stated reasons, the subject matter of claims 2 - 6 is likewise patentable over the cited references.

Withdrawal of the rejection is respectfully requested.

The Subject Matter of the Pending Claims is Patentable over Bohnsack in view of Roponen

Pending claims 1 and 7 - 8 have been rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 3,381,438 to Bohnsack ("Bohnsack") in view of Roponen.

Applicants respectfully submit that cited references, whether taken alone or in combination, neither disclose nor suggest the subject matter of the pending claims, including an elevator cab construction for increasing interior cab size of an elevator cab having:

- "stiffeners on the interior of said shell panels to provide suitable support" as required by claim 1; or
- "vertical corner trim stiffeners in the corners of the cab supporting said shell panels" as required by claim 1; or
- "decorative panels mounted on said shell panels on the interior of said cab and mounted between said stiffeners" as required by claim 1.

For example, neither reference discloses or suggests an elevator cab construction for increasing interior cab size of elevator cab. As mentioned above, Roponen merely describes a system for mounting decorative parts, and Bohnsack relates generally "to an interior wall system for use in commercial, industrial, institutional and apartment buildings" and not particularly to elevator cabs.

Bohnsack does not describe or suggest "shell panels forming the interior walls of the cab with a ceiling and platform" as required by claim 1. Rather, Bohnsack describes a "reusable wall system" which is not applicable to the art of elevator cab design. Indeed, imagine removing the walls of an elevator cab, which is an object of Bohnsack, thereby leaving the floor and ceiling of the elevator cab without suitable support in the precipitous environment of an elevator shaft.

In addition, Bohnsack does not disclose "stiffeners on the interior of said shell panels to provide suitable support" as required by claim 1. Bohnsack's frameposts 2 or 6, indicated in the Office Action as satisfying the "stiffeners" required in the claim, are not "stiffeners on the interior of said shell panels to provide suitable support." First,

frameposts 2 or 6 are not on the interior of shell panels, but are within the walls of Bohnsack, as shown in Figure 2 and described by Bohnsack:

The frame members 2 and 6 ... are in sectional configuration similar to that of an I-beam having a web 45 and flanges 46 and 47. Thickened portions 48 and 49 connect the web with respective flanges and each flange adjacent the thickened portion is provided with vertically extending ridges 50 and 51. The ridges 50 and 51 projecting inwardly from each flange provide grooves 52 and 53.

See Col. 4, lines 52-62.

As another example, neither reference discloses or suggests "decorative panels mounted on said shell panels on the interior of said cab and mounted between said stiffeners" as required by claim 1.

For one, Bohnsack does not disclose "decorative panels mounted on said shell panels on the interior of said cab." As mentioned above, Bohnsack does not disclose shell panels for an elevator cab, but rather "solid panels 3, 4, 5" are shown in Figures 2 and 3, and described in Col. 3, lines 30-41 and "comprise laterally spaced panels 16 and 17" among other things and thus disclose neither the shell panels nor the decorative panels required of the claims.

In addition to the reasons stated above with regards to Roponen, Bohnsack also does not disclose or suggest "decorative panels mounted on said shell panels on the interior of said cab and mounted between said stiffeners." Bohnsack does not disclose

either decorative panels mounted **on** shell panels or decorative panels mounted between stiffeners.

In addition, in the Office Action, Bohnsack is described a varying from claim 1 for at least the reason that it "does not use the wall construction for assembling an elevator cab." For at least the above stated reasons, Bohnsack is not related art, and even if it were it adds nothing to the disclosure of Roponen to suggest or disclose an elevator cab construction for increasing interior cab size of an elevator cab having "stiffeners on the interior of said shell panels to provide suitable support" as required by claim 1 or "decorative panels mounted on said shell panels on the interior of said cab and mounted between said stiffeners" as required by claim 1.

Furthermore, it is submitted that the subject matter of the pending claims would not have been obvious at the time, where structural support elements in Bohnsack were also hidden out of view for aesthetic reasons as also shown in the several references cited in this Office Action. For at least the above stated reasons regarding claim 1, the subject matter of claim 7 is likewise patentable over the cited references. Since claim 8 depends from claim 7, for at least the above stated reasons, the subject matter of claim 8 is likewise patentable over the cited references.

To the extent the examiner seeks to utilize personal knowledge as official notice, applicants request the Examiner to provide an affidavit or declaration setting forth

specific factual statements and explanation to support the finding as required by 37 C.F.R. 1.104(d)(2).

Withdrawal of the rejection is respectfully requested.

Objection to Examination under 37 C.F.R. 1.198 and application of "newly discovered prior art"

In addition to the above stated reasons for withdrawal of the rejections, Applicants submit that the citation of the "newly discovered references" is improper.

The cited references appear to be the result of an additional search following the decision of the Board of Patent Appeals and Interferences dated October 6, 2010 ("the BPAI decision") from which all of the rejections in the final office action were reversed.

The MPEP specifically provides:

"The examiner should *never regard such a reversal as a challenge to make a new search* to uncover other and better references. This is particularly so where the application ... has meanwhile been transferred or assigned to an examiner other than the one who rejected the claims leading to the appeal. The second examiner should give full faith and credit to the prior examiner's search."

See MPEP 1214.04. (Emphasis added). The instructions of the MPEP do not appear to have been followed in this instance. Not only has a new search been performed, but the aggressive application of the references under a broad interpretation of the claims is particularly unreasonable in view of the BPAI decision.

Procedurally, the new rejections based on a new search are improper since MPEP 1214.05 provides that "authorization to reopen prosecution under 37 C.F.R. 1.198 for the

purpose of entering the new rejections" only states that such is permitted "[i]f **the examiner has specific knowledge of the existence of a particular reference** or references" (emphasis added). Such is not the case as the Examiner admits the references are "newly discovered."

In addition, the citation of particular references in the last Office Action, and the arguments made in the Office Action to support the broad interpretation of these references are inconsistent with the bases for reversal stated by Board in the BPAI decision. For example, the Board reversed the rejection based on the Lazar reference stating that "it is **unreasonable** to interpret the limitation 'stiffeners on the interior of said shell panels' as being sufficiently broad to encompass stiffeners positioned in the hollow spaces within the shell panels or in channels facing the exterior of the elevator cab." See BPAI Decision at pp. 4-5. (Emphasis added). Nevertheless, the citation of the Bohnsack reference in the office action applies the same reasoning rejected by the Board. Applicants respectfully submit that the cited references have not been reasonably applied to the limitations of the pending claims.

Furthermore, Applicants submit that the references fail to provide any better basis of rejection than that which had been previously cited, and that the references represent what is old in the art, namely "concealing" what had been deemed to be unsightly structural elements of elevator cabs from view from the interior. Accordingly, the cited


references teach away from the present invention as did references cited in the Office Actions prior to the BPAI decision.

Finally, this application deserves special attention. The application was filed in December 2003, and a Petition to Make Special was filed because of the advanced age of the inventor. The Petition was granted in a decision dated October 3, 2005. Since then, applicants have continued to make a bona fide effort to put the case in condition for allowance. Attorney for applicants remains available for an interview with the examiner at the examiner's convenience to accomplish this purpose, and can be reached at (212) 681-0800.

Accordingly, Applicants submit that instant application is in condition for allowance, and request that the instant rejections be withdrawn and the application allowed.

July 5, 2011

Respectfully submitted,


Douglas C. Wyatt
Registration No. 43,293